



Entered on Docket  
January 07, 2011

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA, ESQ.  
Nevada Bar No. 000405  
ERIKA M. WRIGHT, ESQ.  
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*Counsel for City National Bank*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
  
WILLIAM A. GAYLER,  
  
Debtor.

Case No.: BK-S-09-31603-MKN  
Chapter 7

DATE: December 1, 2010  
TIME: 2:30 p.m.

**ORDER RE OBJECTION TO EXEMPTIONS**

The Court having conducted a hearing on City National Bank's ("CNB") Objection to Exemptions and the Trustee having joined and separately objected to such exemptions [Dkt.

1 141]; Brandon P. Johansson, Esq. of the law firm Shea & Carlyon, Ltd. appearing on behalf of  
2 CNB; Anthony Zmaila, Esq. appearing on behalf of the Trustee; Jay Young, Esq. appearing on  
3 behalf of John D. O'Brien, individually and as trustee of the John D. O'Brien Profit Sharing  
4 Plan; and Brian C. Whitaker, Esq. appearing on behalf of Byron Lebow; the Court having  
5 reviewed and considered the pleadings filed herein and having heard oral argument of  
6 counsel; with no opposition being made; and for good cause appearing;  
7

8 IT IS HEREBY ORDERED:

- 9 1. That CNB's Objection to Exemptions is hereby granted;  
10 2. That the claimed exemption, on Debtor's petition, for "Stock and Interests in  
11 Businesses," is hereby disallowed;  
12 3. That all claimed exemptions, on Debtor's petition, for "Interests in Partnerships or  
13 Joint Ventures," are hereby disallowed; and  
14 4. That the Trustee's Objection is hereby granted.  
15

16 SUBMITTED BY:

17 SHEA & CARLYON, LTD.  
18

19 

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25 *Attorneys for City National Bank*

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1 **APPROVED/DISAPPROVED BY:**

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4 ANTHONY A. ZMAILA  
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6 265 East Warm Springs Rd., Suite 100  
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8 *Attorneys for James F. Lisowski, Sr., Chapter 7 Trustee*

7 **APPROVED/DISAPPROVED BY:**

8 Failed to Respond  
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11 JAY YOUNG, ESQ.  
12 Nevada Bar No. 005562  
13 10001 Park Run Drive  
14 Las Vegas, NV 89145  
15 *Attorneys for John D. O'Brien, individually and as Trustee of the John D. O'Brien Profit*  
16 *Sharing Plan*

14 **APPROVED/DISAPPROVED BY:**

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17 EDWARD J. HANIGAN, ESQ.  
18 Nevada Bar No. 000242  
19 2580 Anthem Village Dr.  
20 Henderson, NV 89052  
21 *Attorney for The Eliot A. Alper Revocable Trust dated March 22, 1999*

20 **APPROVED/DISAPPROVED BY:**

21 */s/ Brian C. Whitaker*  
22

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24 BRIAN C. WHITAKER, ESQ.  
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28 *Attorneys for Byron Lebow*

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1 APPROVED/DISAPPROVED BY:

2 Failed to Respond

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4 JEFFREY R. SYLVESTER  
5 Nevada Bar No. 004396  
6 7371 Prairie Falcon, Suite 120  
7 Las Vegas, NV 89128  
8 *Attorney for Debtor, William Gayler*

7 **RULE 9021 DECLARATION**

8 In accordance with Local Rule 9021, counsel submitting this document certifies as  
9 follows:  
10

- 11 ☐ The Court has waived the requirement of approval under LR 9021.  
12  
13 ☐ No parties appeared or filed written objections, and there is no trustee appointed  
14 in the case.  
15 ☐ I have delivered a copy of this proposed order to all counsel who appeared at the  
16 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
17 appointed in this case, and each has approved or disapproved the order, or failed  
18 to respond, as indicated below:  
19 ☒ approved the form of this order;

19 Anthony A. Zmaila, Esq.  
20 *Attorneys for James F. Lisowski, Sr., Chapter 7 Trustee*

21 Edward J. Hanigan, Esq.  
22 *Attorney for The Eliot A. Alper Revocable Trust dated March 22, 1999*

23 Brian C. Whitaker, Esq.  
24 *Attorneys for Byron Lebow*

25 ☐ disapproved the form of this order;

26 ///

27 ///

☒ failed to respond

Jay Young, Esq.

*Attorneys for John D. O'Brien, individually and as trustee of the John D. O'Brien Profit Sharing Plan*

Jeffrey Sylvester, Esq.

*Attorney for Debtor, William Gayler*

DATED this 3<sup>rd</sup> day of January, 2011.

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